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C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000136

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AF/S FOR B. NEULING
SENIOR AFRICA DIRECTOR C. COURVILLE

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TAGS: ASEC PGOV PHUM PREL ZI
SUBJECT: URBAN LAND SEIZED IN LATEST AFFRONT TO PRIVATE
PROPERTY RIGHTS

REF: A. REF A: HARARE 127
1B. REF B: HARARE 098

Classified By: Ambassador Christopher Dell for reasons 1.5 b/d

Summary

11. (C) The GOZ in mid-December 2005 seized Gletwyn property, an urban-zoned development area within Harare's city limits, marking the GOZ's first formal taking of urban land apart from legal eminent domain proceedings. The Police Housing Cooperative and Divine Homes, a housing development company reportedly owned by Deputy Finance Minister David Chapfika, have subsequently begun developing the land to build upscale houses for senior police officials and other civil servants. There were reports, so far uncorroborated, that some of the farm workers displaced were forced to work on the farms of political insiders. The urban land seizure coincides with other GOZ attacks on the integrity of property rights, underscoring IMF criticisms and possibly presaging a troubling new phase in GOZ corruption. End Summary.

&Land Reform8 Comes to Harare

12. (C) In a January 30 meeting, Jim Ross elaborated to poloff about the government's seizure of Gletwyn property, a 256-hectare tract of urban-designated land owned by his father, Stuart, who currently resides in South Africa. (N.B. Some 14 kilometers from downtown Harare, Gletwyn and neighboring properties are prime real estate officially listed as urban area but are best described as peri-urban areas where commercial farming takes place and developers have started to build some low-density residential areas.)

13. (C) Ross said that since the GOZ unveiled its National Housing Program in 2003, Gletwyn had been under threat. Despite having plans to build a high-end residential neighborhood on the property, Stuart Ross stopped development after constructing only four homes when notified soon thereafter of the GOZ's plan to take over the property. Instead, Stuart Ross leased some of the property for agricultural purposes to his brother, Ian Ross, who owned a neighboring development on which he had built some 200 housing plots.

14. (C) Evictions at Gletwyn property began in earnest late last year, according to Jim Ross. The residents of the four homes were forced to leave the property and farm workers were told to leave, although many stayed in makeshift housing. In mid-October 2005, local development company Divine Homes, which is reportedly owned by Deputy Finance Minister David Chapfika, asserted a claim to the land, announced its intention to build home plots, and began constructing roads on the property. Ross said he had been told that Divine Homes was given an offer letter for the property, but he had never seen such a document. Ross also claimed that Divine Homes was selling housing plots to the general public and offering titles to the land.

15. (C) The GOZ stepped up eviction efforts in mid-December, according to Ross, when police arrived at Gletwyn to assert that a portion of the land had also been allocated to the Police Housing Cooperative. At this point the police forcibly removed about 200 farm workers. The Police Housing Cooperative intended to build homes for high-ranking police officials and civil servants. Since mid-December there had been a regular police presence at the property.

Forced Labor?

16. (C) According to International Organization for Migration (IOM) project officer Justin MacDermott, some farm hands that had been displaced initially told IOM that they were forced to work at farms belonging to ministers. Subsequent investigations by IOM and Post, however, found inconclusive

evidence for such allegations. MacDermott on February 1 told poloff that the laborers were almost certainly coerced into moving to new farms and left with the alternative of working there or fending for themselves; conditions that while bad did not constitute forced labor, in his estimation.

¶7. (C) Poloff on February 2 contacted one of Ross,s farm managers to inquiry about the evictions, of which he was also a victim. The manager, who refused to give his name, said that many workers had been simply dropped off at remote locations or farms with few options but to work. However, both Ross and the manager reported that many displaced workers had subsequently found their way back to Gletwyn.

A Growing List of Transgressions

¶8. (C) Gletwyn is the most glaring of several recent GOZ attacks on the integrity of private property rights. In another incident, the Ministry of Local Government sent letters in mid-January to homeowners around Mugabe,s new mansion in the posh northern suburb of Borrowdale Brook notifying them that the government would compulsorily acquire their homes to create a &security zone.⁸ According to independent press accounts, 15 homeowners (many of whom are elite black Zimbabweans, according to one contact) received the notice.

¶9. (C) Although the letter suggests the homeowners will be compensated, one real estate agent interviewed in the press said the notices effectively wiped out the value of these once-expensive homes. Otto Saki from Zimbabwe Lawyers for Human Rights told poloff on January 31 that the notices were illegal, pointing out that this was urban land and therefore not subject to confiscation under recently-passed Constitutional Amendment 17.

¶10. (C) In another recent incident, Police Assistant Commissioner Loveness Ndanga reportedly has defied a directive from her supervisor, Police Commissioner Augustine Chihuri, as well as two High Court orders) the most recent issued on December 2) to return farm equipment seized from white farmers in Masvingo province. Ndanga heads an inter-agency task force that had seized equipment worth millions of US dollars in the past three months, according to independent press accounts. It is believed that some of this equipment is being used by the military units tasked to farm in Mashonaland.

¶11. (C) Quoted as saying that the task force was following &political orders and not court orders,⁸ Ndanga has distributed the equipment to police officers and war veterans in the province, according to the press reports. Commercial Farmers Union President Doug Taylor-Freeme told econoff on January 12 that the Union welcomed the court rulings against Ndanga but had concluded that the only way to prevent future seizures was to either hide the equipment or immobilize it.

Comment

¶12. (C) The GOZ,s seizure of Gletwyn property crosses a significant legal line. Hitherto, all lands seized under &land reform⁸ had been strictly agricultural land to be used for farming purposes. Gletwyn) despite the current presence of commercial farming) is urban land seized by the GOZ with the intent of developing homes to benefit regime cronies. The drastically shrinking economy may make urban land seizures an increasingly appealing way to bolster the GOZ,s patronage system. These recent attacks on the rule of law also bear out the visiting IMF team's concern about continuing degradation of property rights here (ref A) - despite rhetoric to the contrary from some corners of the regime, such as Reserve Bank Governor Gideon Gono,s declaration) yet again) of zero tolerance for land invasions (ref B).

¶13. (C) Post will continue to pursue reports of forced labor, which although yet to be fully corroborated, have become more frequent. There are numerous reports, for example, that army units are being used as agricultural workers) not just to grow their own food but also on the commercial farms of senior ZANU-PF and military insiders. Forced labor would cross another legal red line in the GOZ's continuing assault on individual and property rights.
DELL